

CHAPTER 3

STANDARD FORMS OF PLEADINGS FOR SMALL CLAIMS ACTIONS

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CHAPTER 3 **STANDARD FORMS OF PLEADINGS FOR SMALL CLAIMS ACTIONS**

[Pursuant to Iowa Code section 631.15]

Form 3.1: Original Notice — Action for Money Judgment.

IN THE DISTRICT COURT OF IOWA
 IN AND FOR _____ COUNTY, IOWA

Plaintiff(s) <hr/> (Name) <hr/> (Address) <hr/> (Name) <hr/> (Address) <div style="text-align: center;">vs.</div> Defendant(s) <hr/> (Name) <hr/> (Address) <hr/> (Name) <hr/> (Address)	<div style="text-align: center;"> ORIGINAL NOTICE (Action for money judgment) Small Claim No. _____ Date Filed _____ </div>
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TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that the plaintiff(s) demand(s) from you the amount of \$ _____ based on _____ (state briefly the basis for the demand).

UNLESS YOU APPEAR by completing and filing the attached appearance and answer form with the clerk of the court at _____ (exact address) in _____ (city), Iowa _____ (zip code), within 20 days after service of this original notice upon you, judgment shall be rendered against you upon plaintiff's claim together with interest and court costs.

IF YOU DENY THE CLAIM AND APPEAR by filing the attached appearance and answer within 20 days after service of this original notice upon you, you will then receive notification from the clerk's office of the place and time assigned for hearing.

 Plaintiff(s)

Judgment Entry: _____

[Court Order December 11, 1975, received for publication February 28, 1984; June 29, 1984; Letter May 12, 1987 (obsolete reference to "town" stricken); November 9, 2001, effective February 15, 2002]

Form 3.2: Original Notice — Action for Forcible Entry and Detainer.

IN THE DISTRICT COURT OF IOWA IN AND FOR _____ COUNTY, IOWA	
Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold; margin-top: 100px;"> ORIGINAL NOTICE (Action for forcible entry and detainer) </div> Small Claim No. _____ Date Filed _____

TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that the above-named plaintiff(s) demand(s) from you possession of _____ (state exact address of real property) for the reason that _____ (state basis of demand).

UNLESS YOU APPEAR before the court to contest this matter at _____ (exact address of court) in _____ (city), Iowa, at _____ o'clock _____.m. on the _____ day of _____, 20____, judgment shall be rendered against you for possession of the property and for court costs.

Plaintiff(s)

Judgment Entry: _____

[Court Order December 11, 1975, received for publication February 28, 1984; Letter May 12, 1987 (obsolete reference to "town" stricken); November 9, 2001, effective February 15, 2002]

Form 3.3 Reserved.**Form 3.4:** *Appearance and Answer of Defendant.*

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold; margin-top: 100px;"> APPEARANCE AND ANSWER OF DEFENDANT </div> Small Claim No. _____ Date Filed _____
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I HEREBY enter my appearance and deny the claim of plaintiff(s).

Defendant

[Court Order December 11, 1975, received for publication February 28, 1984; November 9, 2001, effective February 15, 2002]

Form 3.5: Counterclaim.

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold; margin-top: 100px;">COUNTERCLAIM</div> Small Claim No. _____ Date Filed _____
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TO: _____, PLAINTIFF(S)

YOU ARE HEREBY NOTIFIED that _____, defendant(s), as counterclaimant(s), demand(s) from you the amount of \$ _____ based on _____ (state briefly the basis for the demand).

Defendant(s) — Counterclaimant(s)

[Court Order December 11, 1975, received for publication February 28, 1984; November 9, 2001, effective February 15, 2002]

Form 3.6: *Cross-claim Against Coparty.*

IN THE DISTRICT COURT OF IOWA	
IN AND FOR _____ COUNTY, IOWA	
Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) vs. Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	CROSS-CLAIM AGAINST COPARTY Small Claim No. _____ Date Filed _____

I (We), _____, as cross-claimant(s), hereby demand from _____
(state name(s) of party(ies) against whom the demand is made) the amount of \$_____ based on _____
_____ (state briefly the basis for the demand).

Cross-claimant(s)

[Court Order December 11, 1975, received for publication February 28, 1984; November 9, 2001, effective February 15, 2002]

Form 3.7: Original Notice — Cross-petition Against Third Party.

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA

Plaintiff(s)	<p align="center">ORIGINAL NOTICE (Cross-petition against third party) Small Claim No. _____ Date Filed _____</p>
(Name)	
(Address)	
(Name)	
(Address)	
vs.	
Defendant(s)	
(Name)	
(Address)	
(Name)	
(Address)	
Third Party Defendant(s)	
(Name)	
(Address)	
(Name)	
(Address)	

TO: _____, THIRD PARTY DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that, _____, as cross-petitioner(s), demand(s) from you the amount of \$ _____ based on _____ (state briefly the basis for the demand).

UNLESS YOU APPEAR by completing and filing the attached appearance and answer form with the clerk of the court at _____ (exact address) in _____ (city), Iowa _____ (zip code), within 20 days after service of this original notice upon you, judgment shall be rendered against you upon cross-petitioner's claim together with interest and court costs.

IF YOU DENY THE CLAIM AND APPEAR by filing the attached appearance and answer within 20 days after service of this original notice upon you, you will then receive notification from the clerk's office of the place and time assigned for hearing.

Cross-petitioner(s)

Judgment Entry: _____

[Court Order December 11, 1975, received for publication February 28, 1984; June 29, 1984; Letter May 12, 1987 (obsolete reference to "town" stricken); November 9, 2001, effective February 15, 2002]

Form 3.8: *Appearance and Answer of Third Party Defendant.*

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) Third Party Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold; margin-top: 100px;"> APPEARANCE AND ANSWER OF THIRD PARTY DEFENDANT </div> Small Claim No. _____ Date Filed _____
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I HEREBY enter my appearance and deny the claim of _____,
cross-petitioner(s).

Third Party Defendant

[Court Order December 11, 1975, received for publication February 28, 1984; November 9, 2001, effective February 15, 2002]

Form 3.9: *Petition of Intervention.*

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) Intervenor(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold; margin-top: 100px;"> PETITION OF INTERVENTION </div> Small Claim No. _____ Date Filed _____
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TO THE ABOVE-NAMED PLAINTIFF(S) AND DEFENDANT(S):

I (We), _____, being interested in the subject matter of this litigation now intervene _____ (either “adversely to both parties” or “allied with plaintiff” or “allied with defendant”) and demand the amount of \$ _____ from _____ (state name(s) of party(ies) against whom the demand is made) based on _____ (state briefly the basis for the demand).

Intervenor(s)

[Court Order December 11, 1975, received for publication February 28, 1984; November 9, 2001, effective February 15, 2002]

Form 3.10: Original Notice — Action of Replevin.

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA
(Small Claims Division)

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold;">ORIGINAL NOTICE (Action of Replevin)</div> Small Claim No. _____ Date Filed _____
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TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that the above-named plaintiff(s) demand(s) possession of property described as:
(insert description)

(1) The actual value of the property is \$ _____. (If more than one item is involved, separate values must be stated for each item.) (May not exceed \$5,000 in total value.)

(2) Plaintiff(s) is (are) entitled to immediate possession because (check one):

- ☐ Plaintiff(s) own(s) the property;
- ☐ Plaintiff(s) has (have) a security agreement for the property (copy attached) providing that plaintiff(s) is (are) entitled to seize possession on default, and that default(s) as follows has (have) occurred;
- ☐ (State other grounds).

(3) ☐ (a) That the property is not in the possession of the defendant(s) under court order or judgment; or

- ☐ (b) That property was taken by the defendant(s) under a court order or judgment but is improperly held, being exempt from such seizure because: (state basis for exemption).

(4) That to the best belief of the plaintiff(s) the property is being held by the defendant(s) because: (state facts constituting the defendant's(s') alleged reason for detaining the property).

(5) That the plaintiff(s) is (are) entitled to damages for such retention in the amount of \$ _____, based on: (state grounds of alleged damage).

UNLESS YOU APPEAR by completing and filing the attached appearance and answer form with the clerk of the court at _____ (exact address) in _____ (city), Iowa _____ (zip code), within 20 days after service of this original notice upon you, judgment shall be rendered against you upon plaintiff's(s') claim together with interest and court costs.

Original Notice — Action of Replevin (*cont'd*)

IF YOU DENY THE CLAIM AND APPEAR by filing the attached appearance and answer within 20 days after service of this original notice upon you, you will then receive notification from the clerk's office of the place and time assigned for hearing.

Plaintiff(s)

STATE OF IOWA

COUNTY OF _____

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ss:

I (We), _____, do hereby swear or affirm that the above and foregoing statements are true and correct as I (we) verily believe.

(Signature(s) of affiant(s))

Subscribed and sworn to before me by _____, on this
_____ day of _____, 20 ____.

Notary Public

[Report March 10, 1987, effective July 1, 1987; Court Order November 25, 1998; November 9, 2001, effective February 15, 2002; June 14, 2002, effective July 1, 2002]

Form 3.11: Original Notice — Foreign Corporation or Nonresident Defendant.

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA
(Small Claims Division)

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold;">ORIGINAL NOTICE</div> <div style="text-align: center; font-weight: bold;">(Foreign Corporation or Nonresident Defendant)</div> Small Claim No. _____ Date Filed _____
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TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that the plaintiff(s) demand(s) from you the amount of \$ _____ based on _____ (state briefly the basis for the demand).

UNLESS YOU APPEAR by completing and filing the attached appearance and answer form with the clerk of the court at _____ (exact address) in _____ (city), Iowa _____ (zip code), within 60 days after the filing of this original notice with the secretary of state of the State of Iowa, judgment shall be rendered against you upon plaintiff's(s') claim together with interest and court costs.

IF YOU DENY THE CLAIM AND APPEAR by filing the attached appearance and answer within 60 days after the filing of this original notice with the secretary of state of the State of Iowa, you will then receive notification from the clerk's office of the place and time assigned for hearing.

Plaintiff(s)

Judgment Entry: _____

[Report September 29, 1987, effective December 1, 1987; November 9, 2001, effective February 15, 2002]

Form 3.12: Original Notice — Nonresident Motor Vehicle Owner or Operator.

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA
(Small Claims Division)

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <div style="text-align: center;">vs.</div> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	<div style="text-align: center; font-weight: bold;">ORIGINAL NOTICE</div> <div style="text-align: center; font-weight: bold;">(Nonresident Motor Vehicle Owner or Operator)</div> Small Claim No. _____ Date Filed _____
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TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that the plaintiff(s) demand(s) from you the amount of \$ _____ based on _____ (state briefly the basis for the demand).

UNLESS YOU APPEAR by completing and filing the attached appearance and answer form with the clerk of the court at _____ (exact address) in _____ (city), Iowa _____ (zip code), within 60 days after the filing of this original notice with the director of transportation of the State of Iowa, judgment shall be rendered against you upon plaintiff's(s') claim together with interest and court costs.

IF YOU DENY THE CLAIM AND APPEAR by filing the attached appearance and answer within 60 days after the filing of this original notice with the director of transportation of the State of Iowa, you will then receive notification from the clerk's office of the place and time assigned for hearing.

Plaintiff(s)

Judgment Entry: _____

[Report September 29, 1987, effective December 1, 1987; November 9, 2001, effective February 15, 2002]

Form 3.13: *Notice of Appeal.*

IN THE DISTRICT COURT OF IOWA
IN AND FOR _____ COUNTY, IOWA
(Small Claims Division)

<p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: center;">Plaintiff(s)</p> <p style="text-align: center;">vs.</p> <p>_____</p> <p>_____</p> <p style="text-align: center;">Defendant(s)</p>	<p style="text-align: center;">NOTICE OF APPEAL</p> <p>Case No. _____</p>
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TO THE CLERK OF THE ABOVE COURT

I, _____, appeal to the district court from the judgment entered on the _____ day of _____, 20____.

I am appealing this decision because:

Dated this ____ day of _____, 20 ____.

Signature

Address

[Court Order October 12, 2005]